**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7564 OF 2005

Bafati Fakir Mohammed .. Petitioner.
Vs.
Noor Mohd. Mohd.
Hussain Ansari .. Respondent.

Mr.P.S.Dani for the petitioner.
Mrs.Aliya N.Pathan for the respondent.

**CORAM : D.B.BHOSALE, J.**

**DATED : 28TH AUGUST, 2006**

P.C.:

. Heard learned counsel for the petitioner and the respondent.

2. By this petition, the petitioner has impugned the order dated 27.6.2005 passed on the application at Exhibit-38 in Regular Civil Suit No.1038/2001, rejecting the said application filed by the petitioner under section 10 of the Code of Civil Procedure seeking stay of R.C.S. No.193/1985 pending hearing and final disposal of the writ petition No.4785/2002 pending before this Court. In that writ petition, the issue of tenancy is under consideration. The courts below have already held that the respondent is the tenant. In the writ petition this court has not pass any interim order. Keeping that in view and

for the reasons recorded in the impugned order I see no reason to exercise the writ jurisdiction under Article 227 of the Constitution of India. The writ petition is, accordingly, dismissed.

**(D.B.Bhosale, J.)**